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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,787	05/25/2001	Bernd Walther	VMP-490-A	3330

7590

08/12/2002

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EXAMINER

ADDISON, KAREN B

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,787

Applicant(s)

WALTHER, BERND

Examiner

Karen B Addison

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cagnon (35492180).

Cagnon discloses in fig. 1-3 a drive device for a windshield wiper comprising: a housing (28), an electric motor (10) located in the housing with a pivoted armature (11); a gear unit located in the housing with a worm shaft (26) and an axial thrust generating device (b) to compensate for the axial free play of the armature (11). Characterized in that one end(C) of the armature is supported at the housing through a support bearing (23). Wherein, the axial thrust device (49) possesses a tapered sliding member (43) supported in the housing and is movable in a radial direction relative to the armature supported against the shaft. So, that the axial force can be applied to the armature shaft in the direction of the support bearing by moving the tapered sliding member (43).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cagnon in view of Slayton (5027024).

Cagnon substantially disclose the claim invention including: bearings (22), and a tapered sliding member (43) formed basically in a U-shaped configuration. Wherein the armature runs (11) in the gap between the parallel legs of the U-shaped sliding member. Cagnon also discloses, a fixed thrust washer formed of a clamp ring located on the armature in the angular groove (46). Wherein, the side of the roller bearing (38) is facing away from the tapered sliding member; and the displacing force can be applied to the tapered sliding member by means of a leaf spring (51). Cagnon also discloses a housing having a collar shaped area, which extends radially inward through the armature in which the tapered sliding member is supported by a bevel (which matches the bevel on the surface of the tapered sliding member is supported in the collar shape area). Cagnon does not disclose the roller bearing with inner and outer races located in the gear housing.

Slayton discloses in fig.1-3 and electric motor for a windshield wiper comprising: armature (21), supported in the roller bearing (12) with an inner race (30) located on the armature (21), an outer race (32) located in the gear housing (18) and the motor housing (12). Wherein, the roller bearing is located between the worm shaft (24) and the electric motor. Slayton also discloses a fixed thrust washer (70) located on the armature for the purpose of engaging the bearing.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electric motor of Cagnon with the bearing structure of Slayton for the purpose providing a bearing that accommodates axial loading or impact.

3. Claims 12,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cagnon in view of Slayton as applied to claims 1- 11 and 13 above, and further in view of Giandinoto (3848477).

As seen above in paragraph 1 and 2 Cagnon discloses a drive device for a windshield wiper and Slayton disclose the bearing structure of a windshield wiper device. However, neither Cagnon nor Slayton disclose a helical spring.

Giandinoto discloses in fig.1 a drive device for a windshield wiper comprising: worm armature (M) supported by bearings (M1M2), a gear (R2), sliding member (26) and a helical spring for the purpose of exerting force on the sliding member. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive device of Cagnon with the bearing structure of Slayton and the helical spring of Giandinoto for the purpose reducing torque provided by the spring.

It also would have been obvious to one having ordinary skill in the art at the time the invention was made to select a spring made of rubber or plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis

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of it's suitability for the intended use as a matter of obvious design choice. In re Leshin
125 USPQ 416.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Karen B Addison whose telephone number is 703-306-
5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers
for the organization where this application or proceeding is assigned are 703-305-3431
for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-308-
0956.


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

KBA
August 8, 2002